



**Board Meeting Minutes
Wednesday September 15, 2021**

The meeting of the Becker Soil and Water Conservation District Board of Supervisors was held on Wednesday September 15, 2021 at Becker SWCD Shop 1366 Mallard Street, Detroit Lakes, MN 56501.

Present were Supervisors Travis Schauer, Tony Beck, Eugene Pavelko and Curt Ballard. Staff members Office Manager Deana Westberg, NRCS District Conservationist Ed Musielewicz, District Technician Ed Clem, Private Lands Biologist Phil Doll, Program Technician Adam Mortenson and County Commissioner Barry Nelson.

Call to Order

Chairman Schauer called the meeting to order at 8:30 a.m.

Approval of Agenda and Consent Agenda Items

August 18, 2021 Regular Meeting Minutes; Employee Program Reports

Motion (Pavelko, Ballard) to approve the August Meeting Minutes. Affirmative: Unanimous. Carried.

Financial Reports

Treasurers Report and Bills for Approval

Westberg reviewed the August Treasurers Report and the Revised September Bills for Approval.

Motion (Beck, Ballard) to approve the Treasurers Report and Bills for payment. Affirmative: Unanimous. Carried.

Supervisor's Quarterly Expenses & Special Meetings

3rd Quarter Supervisor's Quarterly expenses and Special Meetings reviewed and approved.

Motion (Beck, Pavelko) to approve the Supervisor's Quarterly Expenses & Special Meetings. Affirmative: Unanimous. Carried.

2020 Audit

December 31, 2020 audited Financial Statements were distributed to each board supervisor for review.

MCIT Claim Report

Westberg reported that the MCIT claim was denied. Copy of denial letter handed out and reviewed.

District Reports

Introduce Program Technician

Musielewicz introduced the new hire, Program Technician Adam Mortenson. Adam began on September 6, 2021 replacing the vacant position Salo presently filled. Welcome Adam to the BSWCD.

District Administrator's report

Malone sent his report to the Supervisors prior to the meeting, along with the rest of the district employees monthly reports. Vehicle list was handed out and discussed.

Open Forum

No discussion

Local Water Management

Cost-share policy for Forest Stewardship Plans vary by acreage.

- Most have a base rate of \$300 and \$7 per acre
- Interested landowners are provided a list of Certified Planners from the SWCD and allowed to choose who they would like to write their plan
- Wadena SWCD was 75%
- Landowners provide a paid receipt for the SWCD to prepare a voucher
- Should we ask for a copy of the new plan also?
- Should we investigate EQIP payment rates also and provide a flat rate incentive like we do for cover crops?
- Waiting for information from Wadena SWCD and what BWSR has seen other SWCDs do
- A recommendation will be presented at the October board meeting

RIM Easements

Landowner David Geray is requesting to remove an acre or two of land from his Wild Rice RIM Easement. A Conservation Easement Alteration Requests and Board Policy /Private Landowner Requests document was handed out and discussed.

- All easement alteration requests that come to BWSR must be accompanied by a \$500 processing fee per easement.
- Replacement acres will increase by a minimum factor of 2:1 or 4:1 depending on cropland vs non-cropland acres.
- The landowner will be required to pay all necessary title insurance and recording fees, and all costs associated with establishment of conservation cover practices.
- The SWCD Board determines if a request to alter a RIM easement is warranted, then the request can be forwarded to the BWSR Board for a formal decision to allow or deny.

After discussion, the board decided they need more information from the landowner to make such a determination. Pending a detailed replacement plan from the landowner explaining how they will meet the replacement acres requirements and understands the fees and costs involved.

Motion (Pavelko, Beck) to table the RIM Easement Alteration request pending further information from the landowner. Affirmative: Unanimous. Carried

Public Hearing

Joshua Benke WCA Replacement Plan

Chairman Schauer closed the regular meeting and opened the public hearing at 9:44 am.

Public Hearing - Wetland Conservation Act Wetland Replacement Plan for Joshua Benke driveway construction. Date of Application: 8/17/21

SWCD Technician Ed Clem presented the project purpose and need, which involves construction of a private driveway off 360th Ave in section 32 of S. Height of Land Township to access property for rural residential home and agricultural development. Applicant proposes filling resulting in permanent loss of .0275 acres of wetland in an area that would cross a 50-foot-wide span of wetland to access a building site. The applicant would purchase .055 acres of wetland credits through the MN wetland bank to replace the impacts.

Clem presented the Becker Technical Evaluation Panel's (TEP) Findings and Recommendation, which included an analysis of impact avoidance and minimization alternatives. The TEP found that there is

feasible and prudent alternatives to this project that would avoid the wetland impact, including access easement acquisition from neighboring properties, bridge construction, and building their home on west side of property before the wetland is crossed. The TEP also noted that the proposed impact site has been degraded in the past by off-road vehicle traffic crossing the shallow wetland area. Based on this, the TEP recognized that Sequencing Flexibility provisions of WCA could be used.

The TEP recommendation(s) to the LGU is that 1) the application be denied, or 2) Sequencing Flexibility provisions of WCA Rule be used to justify replacement of the wetland loss.

Chairman Schauer asked for comments in favor or against the application. Hearing none, the public hearing was closed and the regular board meeting was reopened at 9:56 a.m.

LGU Becker SWCD Findings and Decision for Joshua Benke Wetland Replacement Plan Application

Discussion: Clem noted that the SWCD Board should make a decision on approval of this project based on its merits; including purpose and need, wetland impact avoidance and minimization measures, and proposed compensatory mitigation. Clem also noted that the LGU decision is subject to appeal to the MN Board of Water & Soil Resources.

The following represents the LGU's Findings and Decision:

The LGU concurs with the Becker TEP Finding that the project purpose and need for private driveway construction to develop this property for residential and agricultural use is reasonable and prudent.

The LGU concurs with the Becker TEP Finding that special considerations such as threatened and endangered species, rare natural communities, and special fish and wildlife resources will not be significantly impacted by this relatively small wetland impact as proposed.

The LGU finds that the alternative of "doing nothing" listed by the applicant does not meet the project purpose and need of driveway construction and can be dismissed. The LGU finds that the additional alternative listed by the TEP of requiring the applicant to pursue easements to use the existing driveway from the two property owners to the south is not practical or prudent for this situation. The LGU also finds that the alternative of bridge construction listed by the TEP is not practical or prudent for a residential/agricultural home and farm development of this property. The LGU concurs with the Becker TEP that the alternative of building their home on the west side of the property is feasible and prudent. However, this alternative does not address access needs to the east side of the property that will be necessary for agricultural use of the property such as construction and maintenance of fencing and cattle grazing. Furthermore, the LGU finds that this project is eligible for the Sequencing Flexibility provisions in MN WCA Rule 8420.0520, Subpart 7a. The wetland impact area is relatively small and has been used as a crossing point in the past for off road vehicles, resulting in degradation of the vegetation and soils. The LGU finds that the purchase of wetland credits from the MN Wetland Bank at a 2:1 (credit to impact) ratio will achieve a certain gain in wetland function and public value, due to the minor impact size and current degraded condition of the impact site. This will also result in achieving the purpose and need for access to the entire parcel for agricultural development.

Motion (Beck, Ballard) for the SWCD serving as WCA LGU to concur with the findings of the TEP and approve the Wetland Replacement Plan for the Joshua Benke driveway construction. Motion affirmative; unanimous, carried.

BWSR Grant Agreement

FY22 & FY23 SWCD Program & Operations total of \$90,140

Conservation Delivery FY2022 \$19,026 and Conservation Delivery FY2023 \$19,026

State Cost-Share FY2022 \$26,044 and State Cost-Share FY2023 \$26,044

Motion (Beck, Ballard) to approve and authorize the District Administrator to sign the MN BWSR FY22 & FY23 SWCD Program & Operations grant agreement as presented. Affirmative: Unanimous. Carried

Clean Water Legacy Contracts

- CWL-31-TD Matt Bjerke, Water & Sediment Control Basin - Total Project Cost \$12,946.97:
75% Cost Share \$4,855.11 & \$4,855.11 BR319
- CWL-32-TD Matt Bjerke, Water & Sediment Control Basin - Total Project Cost \$9,037.17:
75% Cost Share \$3,388.93 & \$3,388.94 BR319
- CWL-35-TD Matt Bjerke, Water & Sediment Control Basin - Total Project Cost \$33,736.40:
75% Cost Share \$12,651.15 & \$12,651.15 BR319
- CWL-83-LP Holly Sharp, Conservation Cover - Total Project Cost \$2,264:
75% Cost Share \$1,698
- CWL-85-LP Chad Wachter, Conservation Cover - Total Project Cost \$1,320:
75% Cost Share \$990
- CWL-34-TD Terry Kohler, Water & Sediment Control Basin - Total Project Cost \$47,900.07:
75% Cost Share \$17,962.52 & \$17,962.53 BR319

Motion (Beck, Pavelko) to approve Clean Water Legacy Contracts as presented. Affirmative: Unanimous. Carried

State Cost Share Vouchers

- SCS-20-4 Curt Ballard, Windbreak - Total Project Cost \$3,913:
75% Cost Share \$1,920.50

Motion (Pavelko, Beck) to approve payment of State Cost Share Voucher as presented. Affirmative: Ballard abstained from voting. Carried

Clean Water Legacy Vouchers

- CWL-71A-LP Benedict Family, Conservation Cover - Total Project Cost \$5,233.62:
75% Cost Share \$3,925.21
- CWL-71B-LP Benedict Family, Conservation Cover - Total Project Cost \$4,563.95:
75% Cost Share \$3,422.96

Motion (Beck, Ballard) to approve payment of the Clean Water Legacy Vouchers as presented. Affirmative: Unanimous. Carried

Adjourn

Seeing no further business, Chairman Schauer adjourned the meeting at 10:15 a.m.

Signed: Becker SWCD Secretary, Michelle Andresen

Date: October 20, 2021